

DALLAS COUNTY COMMISSIONERS COURT  
CLOSED SESSION AGENDA

ADDENDUM

October 11, 2011

**PENDING OR CONTEMPLATED LITIGATION AND ATTORNEY CLIENT  
INFORMATION Tex. Gov. Code. §§551.071(1)(A) and (B)**

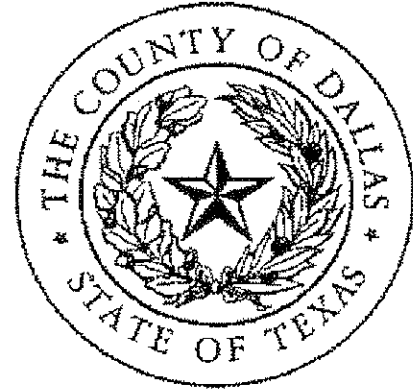
Cause No. 10-755; Dallas County, Texas, et al. (Appellant) vs.  
Texas Democratic Party, et al. (Appellees).....N/A

**LEGAL MATTERS / LEGAL ADVICE**

**Consultation with Legal Counsel:**

Discussion Regarding: Security and Safety Devices .....N/A

# **A** G E N D A



**Commissioners Court**

**Dallas County, Texas**

**Tuesday, October 11, 2011**

**9:00 A.M.**

- 1. Call Court To Order:**
- 2. Declare A Quorum Present:**
- 3. Declare Legal Notices Posted And Court Duly Called:**
- 4. Motion To Open Court:**
- 5. Bailiff To Open Court:**
- 6. Invocation:**

**Brother William Lamont Ross  
Marsalis Avenue Church of Christ  
Dallas, Texas**

Dallas County Code Sec. 74-71. Meetings.

- Citizens and other visitors attending commissioners court meetings shall preserve order and decorum and shall neither, by conversation or otherwise, delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or rules of the commissioners court. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing and/or attending the commissioners court meeting shall be removed from the commissioners' courtroom if security is so directed by the presiding officer. If the presiding officer fails to act, any member of the commissioners court may move to require enforcement of the rules, and the affirmative vote of a majority of the commissioners court shall require the presiding officer to act.
- Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted. The presiding officer may direct security to remove offenders from the courtroom. If the presiding officer fails to act, any member of the commissioners court may move to require enforcement of the rules, and the affirmative vote of a majority of the commissioners court shall require the presiding officer to act.
- No placards, banners, or signs will be permitted in the commissioners' courtroom or in any other room in which the commissioners court is meeting. This does not prohibit displays and visual aids used in connection with a presentation to the commissioners court.
- Any person ordered to be removed from a commissioners court meeting under the provisions of this section shall be barred from further attendance of that session of the commissioners court meeting. Any person ordered to be removed from any commissioners court meeting may be barred from addressing and/or attending any commissioners court meeting for up to a six-month period. Any second violation within a year of the first shall result in a one-year suspension from attendance.
- A person that is found to be in violation of these rules by order of the presiding officer or an affirmative vote of the commissioners court may be held in contempt as allowed by V.T.C.A., Local Government Code, § 81.023. The punishment for contempt is a \$25.00 fine or 24 hours in jail. For an individual's first time to be held in contempt they shall be fined and for all additional times they will be subject to confinement in jail.
- Persons removed from a commissioners court meeting for failure to adhere to these rules shall be subject to arrest and prosecution for violation of the V.T.C.A., Penal Code §§ 38.13, 42.01 or 42.05.

(Admin. Policy Manual, § E(1.00--1.08); Ord. No. 98-2334, 12-8-1998; Ord. No. 2003-552, 4-1-2003; Ord. No. 2008-1336, 7-22-2008)

Código del Condado de Dallas Sec. 74-71. Reuniones.

- Ciudadanos y otros visitantes asistiendo la Corte de Comisionados preservarán el orden y decoro y ni por conversación o de otra manera, demorarán o interrumpirán los actos, ni se negarán a obedecer los órdenes del oficial dirigiendo la corte o reglas de la Corte de Comisionados. Cualquier persona que haga comentarios personales, impertinentes, profanos, difamatorios, o se agite mientras se dirige o asiste a la Corte de Comisionados sera retirada de la corte con la asistencia de seguridad por orden del oficial dirigiendo la corte. Si el oficial dirigiendo la corte falla en actuar, cualquier miembro de la Corte de Comisionados puede requerir un voto para ejecutar las reglas. El voto afirmativo de la mayoría de la Corte de Comisionados requerira al oficial dirigiendo la corte a actuar.
- Declaraciones hecha sin autorización por el publico, pisoteos fuertes, silbatos, gritos o cualquier otra demostración similar no seran permitidos. El oficial dirigiendo la corte le dara la orden al oficial de seguridad de retirar de la corte a cualquier ofensor. Si el oficial dirigiendo la corte falla en actuar cualquier miembro de la Corte de Comisionados puede requerir un voto para ejecutar las reglas. El voto afirmativo de la mayoría de la Corte de Comisionados requerira al oficial dirigiendo la corte a actuar.
- Nigun letrero, bandera, o pancarta sera permitido dentro de la Corte de Comisionados o cualquier otro cuarto donde los comisionados se juntan. Esto no prohíbe demostraciones o ayuda visual en presentaciones a la Corte de Comisionados.
- Cualquier persona que sea retirada de cualquier Corte de Comisionados segun las provisiones de esta sección sera prohibida en continuar asistiendo esa session. Cualquier persona que sea retirada de cualquier Corte de Comisionados se le prohibira dirigirse o asistir cualquier corte por un periodo de hasta seis meses. Cualquier violación, dentro de un año de la primera violacion resultara en un año de suspension en poder dirigirse o asistir a la corte.
- Cualquier persona que se encuentra en violacion de las reglas por orden del oficial que dirige la corte o por voto afirmativo de los comisionados puede ser detenido por desacato, como lo permite el V.T.C.A codigo de gobierno local §81.023. El castigo por desacato es una multa de \$25.00 o 24 horas de carcel. Cualquier individuo que se haye culpable sera sometido a una multa a la primera ofensa, para todas violaciones adicionales el individuo sera sometido y procesado a la carcel.
- Personas retiradas de la Corte de Comisionados por falta de obedecer las reglas seran detenidas por violacion de el V.T.C.A. codigo penal §§38.13, 42.01 or 42.05.

(Admin. Policy Manual, § E(1.00--1.08); Ord. No. 98-2334, 12-8-1998; Ord. No. 2003-552, 4-1-2003; Ord. No. 2008-1336, 7-22-2008)

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7. RESOLUTIONS:

- A. The Hamilton Park Historic Preservation Foundation  
(Presented by Commissioner Maurine Dickey)
- B. Dr. Robert Emmett Day, Jr.  
(Presented by Commissioner Mike Cantrell)
- C. Domestic Violence Awareness Month  
(Presented by Commissioner Dr. Elba Garcia)

8. CONSENT AGENDA:

- A. APPROVE COMMISSIONERS COURT REGISTER OF APPROVED CHECKS, AUTHORIZED CLAIMS CERTIFICATION, MINUTES OF REQUISITIONS, AND PAYROLL REGISTERS FOR THE PERIOD OF OCTOBER 4 - 11, 2011:
- B. APPROVAL OF THE INVESTMENT OF DALLAS COUNTY FUNDS:
- C. RIGHTS OF WAY:  
  
Summary Agreements and Contracts.
- D. COURT AGENDA: (FOR FILING ONLY)  
  
To approve filing of Commissioners Court Agenda, dated October 11, 2011.
- E. FIVE SIGNATURE DOCUMENTS: (FOR FILING ONLY)  
  
\*Minister's Letter of Appreciation
- F. TRANSFER OF FUNDS:

Commissioners Court Agenda – Tuesday, October 11, 2011

8. CONSENT AGENDA: (Cont'd.)

G. APPROVAL OF PLACEMENT OR SUBSTITUTION OF COLLATERAL FOR DALLAS COUNTY FUNDS:

H. PERSONNEL ACTIONS:

Employee Replacements and Salary Adjustments.

9. PUBLIC HEARING: (9:00 A.M.)

A. MOTION TO OPEN PUBLIC HEARING:

B. DISCUSSION/REQUEST FOR PUBLIC COMMENT REGARDING DALLAS COUNTY AND DALLAS COUNTY HOSPITAL DISTRICT TO CONTINUE TO OPT OUT OF THE GOODS-IN-TRANSIT EXEMPTION:

C. MOTION TO CLOSE PUBLIC HEARING:

10. AWARD BIDS/RFP'S:

Bid No. 2011-106-5755 Annual Contract for Document Destruction Services awarded to: American Shredding. (CONTRACT DATA PROVIDED SEPTEMBER 13, 2011)

11. COURT ORDER:

Authorizing the County Judge to execute a settlement agreement regarding the Walker litigation; authorizing the County Treasurer to issue a check in the amount of \$84,000.00 payable to Tujuannah Walker and William M. Hayner & Associates as full and final settlement by the County of Dallas, Texas, and authorizing the County Treasurer to release said check to an employee of the Civil Division of the Dallas County Criminal District Attorney's Office.

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12. COURT ORDER:

Approving acceptance of the grant award for the Dallas County Criminal Court No. 10 grant from the Office on Violence Against Women at the Department of Justice; authorizing Human Resources/Civil Service to review and classify the new positions funded by said grant, and designating the County Judge as the authorized official given the power to reject, alter, or terminate the grant on behalf of Dallas County.

13. COURT ORDER:

Approving acceptance of the grant award for the Dallas County Sheriff grant from the Office of Governor, Criminal Justice Division, and designating the County Judge as the authorized official given the power to reject, alter, or terminate the grant on behalf of Dallas County.

14. COURT ORDER:

Approving submission of a grant application for the Dallas County Fire Marshal's grant to the Federal Emergency Management Agency (FEMA), and designating the County Judge as the authorized official given the power to reject, alter, or terminate the grant on behalf of Dallas County.

15. COURT ORDER:

Approving the FY 2012 contract with the Senior Citizens of Greater Dallas to provide guardianship services to the Dallas County Probate Courts, and authorizing the County Judge to sign the contract on behalf of Dallas County.

16. COURT ORDER:

Authorizing Dallas County and the Dallas County Hospital District to continue to opt out of the Goods-in-Transit Exemption.

17. COURT ORDER:

Rescinding Court Order No. 2011-1084 (6/21/11) creating a Sheriff's Office Transportation Unit; and authorizing the creation of a Sheriff's Office Transportation Unit, as outlined.

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18. COURT ORDER:

Authorizing the elimination of five (5) Deputy III, thirty (30) Deputy I, and a Clerk I, grade 5 position #2660, effective November 1, 2011 from the Sheriff's Office Freeway Management Program for a FY 2012 savings of \$2.4 million.

19. COURT ORDER:

Authorizing the following changes in the County Clerk's Office: (a) elimination of twenty (20) positions; (b) addition of fourteen (14) positions; and (c) review for classification twenty-one (21) positions, including one (1) that is anticipated to be down graded for an annual savings of \$124,398.

20. COURT ORDER:

Authorizing the Probate Court General Fund and Escrow staffing adjustments, as outlined; creating a Public Defender IV position for the Public Defenders Office to hear mental illness cases at Terrell State Hospital, and authorizing Human Resources/Civil Service Department to determine the appropriate classification of the new Public Defender position.

21. COURT ORDER:

Filing the outlined Certification of Completion of continuing education hours issued to County Judge Clay Lewis Jenkins by the Texas Association of Counties.

22. COURT ORDER:

Approving the appointment of Dwayne Bishop, a Dallas County resident, as the Commissioners Court's appointee to the Sheriff's Department Civil Service Commission for the period of October 12, 2011 through January 31, 2013.

23. COURT ORDER:

Approving the appointment of Merrill Walls Daily, a Dallas County resident, as the District Attorney's appointee to the Sheriff's Department Civil Service Commission for the period of October 12, 2011 through January 31, 2013.

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24. COURT ORDER:

Approving a discretionary exemption from the competitive procurement process for the purchase of iVotronic Voting Booths as authorized by Local Government Code Chapter 262.024 (a) (7) (B) as a sole source purchase.

25. COURT ORDER:

Approving refunds to taxpayers, as listed, for the period ending October 11, 2011, in amounts over \$5,000.00 for erroneous or excessive tax payments.

26. COURT ORDER:

Approving payment of all operating expenses of the Senior Center Operations, Congregate Meals and Transportation programs effective October 1, 2011 until final contracts are issued by the Dallas Area Agency on Aging (DAAA).

27. COURT ORDER:

Approving the FY 2011-2013 contract with the City of Dallas for the professional services of the Health Authority, in an amount not to exceed \$20,000, for a term of October 1, 2011 through September 30, 2013, and authorizing the County Judge to sign the contract on behalf of Dallas County.

28. COURT ORDER:

Approving the award of FY 2012 Department of State Health Services – HIV Services (State Services) seven (7) month grant funds in the amounts of \$877,795 for the Dallas HSDA and \$36,651 for the Sherman-Denison HSDA, as outlined in Attachment A, and authorizing the County Judge to sign the contract with the service providers on behalf of Dallas County.

29. COURT ORDER:

Approving submission of the FY 2012 Ryan White Part A, Minority AIDS Initiative (MAI) competing continuation grant application in the amount of \$16,173,942, as outlined, and authorizing the County Judge to electronically sign the application on behalf of Dallas County.



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30. COURT ORDER:

Approving the outlined Amendment No. 4 to the Interlocal Agreement (ILA) between Dallas County and the City of Austin for forensic laboratory services provided by the Criminal Investigation Laboratory utilized by the Austin Police Department, and authorizing the County Judge to sign the amendment on behalf of Dallas County.

31. COURT ORDER:

Authorizing a thirty (30) day extension of (Bid No. 2008-138-3947 – Annual Contract for Vehicle Transmission Repair and Replacement Services) as awarded to AAMCO Transmissions through November 15, 2011, and authorizing all County documents/payments to reflect accordingly.

32. COURT ORDER:

Authorizing the final twelve (12) month extension of (Bid No. 2009-106-4555 – Annual Contract for Fax Machine Maintenance) as awarded to Office Store Depot, Inc., for the period November 5, 2011 through November 4, 2012, and authorizing all County documents/payments to reflect accordingly.

33. COURT ORDER:

Recognizing the initial contract term of (Bid No. 2011-082-5627 – Annual Contract for Full Service Elevator/Escalator Maintenance) as October 1, 2011 through September 30, 2014, and authorizing all documents/payments to reflect accordingly.

34. COURT ORDER:

Accepting the request of the City of DeSoto that Dallas County assume its Trustee Role in the matter of tax foreclosure resales on the listed parcels of land jointly vested in the name of the City of DeSoto, Dallas County, and the DeSoto Independent School District; and pursuant to official passage of a City Council Resolution accepts said resolution assigning to Dallas County the City's Trustee Role in sale of said tax foreclosed properties on the condition that City commits to perform the routine maintenance on said parcels of land.

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35. COURT ORDER:

Accepting the request of the City of Duncanville that Dallas County assume its Trustee Role in the matter of tax foreclosure resales on the listed parcels of land jointly vested in the name of the City of Duncanville, Dallas County, and the Duncanville Independent School District; and pursuant to official passage of a City Council Resolution accepts said resolution assigning to Dallas County the City's Trustee Role in sale of said tax foreclosed properties on the condition that City commits to perform the routine maintenance on said parcels of land.

36. COURT ORDER:

Accepting the request of the City of Seagoville that Dallas County assume its Trustee Role in the matter of tax foreclosure resales on the listed parcels of land jointly vested in the name of the City of Seagoville, Dallas County, and the Dallas County Independent School District; and pursuant to official passage of a City Council Resolution accepts said resolution assigning to Dallas County the City's Trustee Role in sale of said tax foreclosed properties on the condition that City commits to perform the routine maintenance on said parcels of land.

37. COURT ORDER:

Accepting the request of the City of Wilmer that Dallas County assume its Trustee Role in the matter of tax foreclosure resales on the listed parcel of land jointly vested in the name of the City of Wilmer, Dallas County, and the Dallas Independent School District and, or Wilmer-Hutchins Independent School District; and pursuant to official passage of a City Council Resolution accepts said resolution assigning to Dallas County the City's Trustee Role in sale of said tax foreclosed property on the condition that City commits to perform the routine maintenance on said parcel of land.

38. COURT ORDER:

Authorizing and directing the County Judge to execute Change Order No. 6 with Tiseo Paving Company, Inc., for the Lake Ridge Parkway MCIP Project 40902, in an amount not to exceed \$779,442.05, for a total contract amount not to exceed \$5,878,780.90, with the County and City agreeing on 50/50, with the County portion to be paid from MCIP Fund 196, Project 8201.

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39. COURT ORDER:

Authorizing and directing the County Judge to execute a construction contract with Tiseo Paving Company for the construction of the Lawson Road MCIP Project 22604, in an amount not to exceed \$2,648,751.06 from MCIP Fund 196 Project 8201; the project is being funded by the State of Texas in the amount of \$3,500,000.00, Regional Toll Revenue (RTR) funding that was allocated by the Regional Transportation Council and will be distributed by TxDOT, the total amount of RTR funding is comprised of \$1,225,000.00 from RTR funding allocated to Kaufman County for design (\$400,000.00) and construction (\$825,000.00), and \$2,275,000.00 in Dallas County RTR funding for construction, Dallas County's portion, as the local government, will be \$0.00.

40. CALLED BRIEFING SESSION:

See Briefing Agenda.

41. CALL EXECUTIVE SESSION:

For purposes permitted by Chapter 551, Open Meetings, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.0745, 551.075 and 551.076. The Commissioners Court reserves the right to exercise its discretion and may convene in closed/executive session as authorized by the Texas Government Code §§ 551.071, *et seq.* on any of the items listed on its Formal or Briefing agendas.

Subjects: \*Appointments

-2011-2013 County Board and Committee Appointments

\*Pending or Contemplated Litigation and Attorney-Client Information

-Dallas County Constable Beth Villareal, et al. vs.

Dallas County, et al.; Civil Action 3:11-CV2233-F

-Nancy J. Woertendyke vs. Dallas County, Texas;

DC-09-16445-B

-Milad Nasrallah, Sr., et al. vs. Jim Foster; 09-16681

191<sup>st</sup> Judicial District Court of Dallas County, Texas

\*Claims

-John Morey vs. Dallas County; TW #11-000567

\*Deliberations about Real Estate: Tex. Gov. Code §§551.072

-Potential Property Sale – 899 Stemmons (Decker Facility)

-Potential Purchase of Property (County Clerk)

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41. CALL EXECUTIVE SESSION: (Cont'd.)

Subjects: \*Consultation with Attorney/Legal Advice  
-Redistricting  
-Attorney-Client Privilege Matter Concerning Audit of Service of  
Civil Process and Constable Duties  
-Attorney-Client Privilege Matter Concerning HUD Matters  
Housing & Urban Development

42. RECESS:

43. RECONVENE IF REQUIRED:

44. ADJOURN:



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John F. Warren, County Clerk